

infection would be impracticable for any reason, the materials shall be destroyed, after appraisal as provided in § 53.3.

(b) The disinfection or destruction of materials under this section shall be under the supervision of a Division employee who shall prepare and transmit to the Director of Division a certificate identifying all materials which are destroyed, showing the disposition thereof.

#### § 53.6 Disinfection of animals.

Animals of species not susceptible to the disease for which a quarantine has been established, but which have been exposed to the disease, shall be disinfected when necessary by such methods as the Director of Division shall prescribe from time to time.

#### § 53.7 Disinfection of premises, conveyances, and materials.

All premises, including barns, corrals, stockyards and pens, and all cars, vessels, aircraft, and other conveyances, and the materials thereon, shall be cleaned and disinfected under supervision of a Division employee whenever necessary for the control and eradication of disease. Expenses incurred in connection with such cleaning and disinfection shall be shared according to the agreement reached under § 53.2 with the State in which the work is done.

#### § 53.8 Presentation of claims.

Claims for (a) compensation for the value of animals, (b) cost of burial, burning or other disposition of animals, (c) the value of material destroyed, and (d) the expenses of destruction, shall each be presented, through the inspector in charge, to the Division on separate vouchers in form approved by the Director of Division.

#### § 53.9 Mortgage against animals or materials.

When animals or materials have been destroyed pursuant to the requirements contained in this part, any claim for indemnity shall be presented on forms furnished by the Division on which the owner of the animals or materials shall certify that the animals or materials covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by the Division shall be signed by the owner and by each person holding a mortgage on the animals or materials, consenting to the payment of

any indemnity allowed to the person specified thereon.

#### § 53.10 Claims not allowed.

(a) The Department will not allow claims arising under the terms of this part if the payee has not complied with all quarantine requirements.

(b) Expenses for the care and feeding of animals held for destruction will not be paid by the Department, unless the payment of such expense is specifically authorized or approved by the Director of Division.

(c) The Department will not allow claims arising out of the destruction of animals or materials unless they shall have been appraised as prescribed in this part and the owners thereof shall have executed a written agreement to the appraisals.

### PART 54—ANIMALS DESTROYED BECAUSE OF SCRAPIE

#### Sec.

- 54.1 Definitions.
- 54.2 Cooperation with States.
- 54.3 Appraisal of animals.
- 54.4 Time limit for slaughter.
- 54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter.
- 54.6 Mortgages against animals.
- 54.7 Destruction of animals.
- 54.8 Payments to owners for animals destroyed.
- 54.9 Claims not allowed.

**AUTHORITY:** §§ 54.1 to 54.9 issued under sec. 3, 23 Stat. 32, as amended, sec. 2, 32 Stat. 792, as amended, sec. 11, 58 Stat. 734, as amended; 21 U. S. C. 114, 111, 114a.

**SOURCE:** §§ 54.1 to 54.9 appear at 28 F.R. 5936, June 13, 1963.

#### § 54.1 Definitions.

For the purpose of this part, the following words, names and terms shall be construed, respectively, to mean:

(a) "The Department" means the United States Department of Agriculture.

(b) "Division" means the Animal Disease Eradication Division of the Agricultural Research Service, United States Department of Agriculture.

(c) "Destroyed" means destroyed by slaughter or by such other means as may be authorized by the Director of Division.

(d) "Animals" include sheep and/or goats.

(e) "Mortgage" means any mortgage, lien or other security or beneficial interest held by any person other than the one claiming indemnity.

**§ 54.2 Cooperation with States.**

Upon determination by the Director of Division of the existence of scrapie, he shall solicit the cooperation of the proper State or Territory authorities in the eradication of such disease.

**§ 54.3 Appraisal of animals.**

(a) Affected and exposed animals shall be appraised at their actual value at the place and time of appraisal by a representative of the Division and a representative of the State jointly, except that, if the owner and State authorities approve, such animals may be appraised by a representative of the Division alone. Animals may be appraised in groups providing they are the same species and type and providing that where appraisal is by the head each animal in the group is the same value per head or where appraisal is by the pound each animal in the group is the same value per pound.

(b) The Division may decline to accept any appraisal that appears to it to be unreasonable or out of proportion to the value of similar animals of a like quality. Appraisals shall not exceed any limit set by the laws of the State or other agency which is cooperating with the Division in the payment of indemnity because of scrapie.

**§ 54.4 Time limit for slaughter.**

Animals slaughtered under this part shall be slaughtered within 15 days after the date of appraisal unless such time is specifically extended by the Director of Division.

**§ 54.5 Care and feeding of animals under quarantine; disposal of animals after slaughter.**

Expenses for the care and feeding of animals held for destruction and the expense of destruction, burial, incineration, etc., and/or transportation and other expenses incidental to their slaughter will not be paid by the Department.

**§ 54.6 Mortgage against animals.**

When animals have been destroyed pursuant to the requirements contained in this part, any claim for indemnity shall be presented on forms furnished by the Division on which the owner of the animals shall certify that the animals covered thereby, are, or are not, subject to any mortgage as defined in this part. If the owner states there is a mortgage, forms furnished by the Division shall be signed by the owner and by each person holding a mortgage on the animals, con-

senting to the payment of any indemnity allowed to the person specified thereon.

**§ 54.7 Destruction of animals.**

(a) Animals affected with or exposed to scrapie shall be destroyed under this part only after obtaining the written agreement of the owner to accept, as compensation in full from the United States, 50 percent of the difference between the appraisal value and the salvage value not to exceed \$25 per head for grade animals and \$75 per head for purebred animals.

(b) Animals which are exposed to but which do not show visible symptoms of scrapie and whose flesh can be saved for food without risk of spreading the disease may be slaughtered in an establishment approved by the Director of Division.

**§ 54.8 Payments to owners for animals destroyed.**

(a) Owners of animals destroyed in accordance with this part because such animals are affected with or exposed to scrapie shall be paid an indemnity not to exceed 50 percent of the difference between the appraised value of each animal so destroyed and the net salvage received by the owner thereof.

(b) The Federal indemnity shall be limited to \$25 per head for grade animals and \$75 per head for purebred animals.

(c) The Division may indemnify owners up to the limitations specified in this part whether or not the State participates in indemnity payment.

(d) Animals presented for appraisal as purebred shall be accompanied by their certificate of registry at the time of appraisal, or they shall be appraised as grades: *Provided, however*, That in the absence of such proof of purebreeding the Director of Division may grant a reasonable time for the presentation of their certificate of registration to the appraiser.

**§ 54.9 Claims not allowed.**

(a) The Department will not allow claims arising out of the destruction of animals unless they have been previously appraised, and the owners thereof shall have executed agreements, in compliance with this part.

(b) The Department will not allow claims if the claimant has failed to comply with any of the Department regulations pertaining to scrapie including the necessary cleaning and disinfection of his premises and conveyances.